

# Plan:MK Topic Paper - Issues Consultation Duty to Co-operate

September 2014



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Plan:MK



## Plan:MK Topic Papers - Issues Consultation

### Introduction

Plan:MK, a new Local Plan for Milton Keynes, will set out a development strategy for Milton Keynes up to 2031 with a range of detailed policies to guide development over this period.

It will replace the Core Strategy, adopted in 2013 and the existing Local Plan (2005) which together currently form the part of development plan for the Borough.

Once complete, Plan:MK and any Neighbourhood Plans, will be the starting point for planning advice, (other than for Minerals and Waste) and decisions made by the Council. It will set out how much development is expected over the plan period and the location of development sites across the Borough. It will also include detailed policies to ensure that all development is of high quality and respectful to the character of Milton Keynes, and that unplanned development only occurs where it is appropriate.

Plan:MK has to be prepared within the context of national planning policy and within the legislative framework set out by the Government. This Topic Paper is part of the first stage in the process where we are seeking initial view of the public and other interested parties on what should be in Plan:MK.



### What is the purpose of the Topic Papers?

This is one of a series of Topic Papers published by the Council at this time. In total there are twelve Topic Papers covering:

- Growth in Housing
- Employment and Economic Development
- Town Centres and Retail
- Transport and Travel
- Rural Issues
- Provision of Physical and Social Infrastructure
- Quality of Place
- Culture, Recreation and Quality of Life
- Open Space and the Natural Environment
- Climate Change and Sustainability
- Duty to Cooperate
- The Way Forward: Preparing a Vision and Development Strategy for Plan:MK

Each of the Topic Papers is available on the Council website at <http://www.milton-keynes.gov.uk/planmk>

The aim of the papers is to engage everyone with a stake in the future growth and development of Milton Keynes in the preparation of Plan:MK. They cover a range of topics, sometimes interlinked, which the Council have identified as being key to the development of the Plan.

Each paper summarises the background to the topic, setting out data and policy context, before highlighting key issues and posing questions for the reader - the responses to which will help the Council in the development of Plan:MK.



The final topic paper, "The Way Forward" draws together issues raised in the preceding papers and considers what they mean for the Vision and Development Strategy.

When we produce the final version of Plan:MK, the Vision and Development Strategy will be at the start of the Plan, setting the scene for the policies that will follow.

These Topic Papers are being published for consultation in accordance with Regulation 18 'Preparation of a local plan' of the Town and Country Planning (Local Planning) (England) Regulations 2012.



## How to respond

The Council would appreciate any feedback you have on the Topic Papers. In particular, if you can focus on the questions posed it will help with the development of the plan. Feedback can be submitted:

- Online via our consultation portal: <http://miltonkeynes-consult.objective.co.uk>
- Via email: [PlanMK@milton-keynes.gov.uk](mailto:PlanMK@milton-keynes.gov.uk)
- In writing: Development Plans, Civic Offices, 1 Saxon Gate East, Central Milton Keynes, MK9 3EJ

All comments should be received by **5pm on Wednesday 3rd December 2014.**

## How will the feedback be used?

The next stage of the process will be to develop a Preferred Options document, which will set out the Council's initial draft of Plan:MK.

Feedback from this Issues consultation will help to shape the options considered as part of the development of the Preferred Options. These options will evolve through further focused consultation with key stakeholders.

The Council expects to publish the Preferred Options document for consultation in 2015.

The overall aim is to get a final plan prepared by early 2016, at which time it will be submitted to the Government and be subject to independent examination.

## Introduction

**1** As part of the development of Local Plans, Local Authorities are required to co-operate with each other and other public bodies on strategic issues that cross administrative boundaries.

**2** The requirements of the Duty to Co-operate are set out in the National Planning Policy Framework (NPPF, paragraphs 178 to 181). The Duty was introduced as part of the Localism Act (2011) and placed a legal duty on Local Authorities and other public bodies to 'engage constructively, actively and on an ongoing basis' to maximise the effectiveness of Local Plans in the context of cross boundary issues.



**3** The NPPF sets out that work on strategic priorities across local boundaries should be properly co-ordinated and clearly reflected in Local Plans. It does not specify exactly how the duty should be undertaken but it is clear that on certain issues Local Authorities and other public bodies will need to work together to ensure that development priorities are planned and developed in a sustainable manner.

**4** The Duty to Co-operate is not a one off 'box ticking' exercise. It is an ongoing legal duty placed on Local Authorities that will be tested at examination. As we are at the early stages of preparing our new Local Plan, we are taking this opportunity to highlight the main areas where we are working across boundaries and seeking views on whether there are any other Authorities or organisations we should be speaking to, other issues we should be considering or areas of work we should be undertaking (potentially jointly with other Authorities).

## Policy Context

5 The Planning Practice Guidance (first published in 2014) elaborates on the context provided by the NPPF (2012). Whilst not setting out exactly how the Duty should be satisfied it contains the following key points:

- It is a Duty to Co-operate, not agree - Local Authorities should be able to show at examination how they have made every effort to ensure the necessary co-operation on strategic issues.
- The Duty should enable effective and deliverable policies on strategic issues to be developed in Local Plans.
- The non-co-operation of other Local Authorities does not prevent a plan being brought forward- but the plan-making authorities will need to be able to show how every effort has been made to co-operate.
- Local Authorities should have investigated all possible options for delivering a strategy in their own area and have approached other authorities who it would be sensible to seek to work with.
- Local Authorities must have regard to the work of Local Enterprise Partnerships (LEP) and Local Nature Partnerships (LNP) when developing Local Plans.
- The Duty will not be satisfied through consultation alone.
- Consideration needs to be given to entering into agreements or joint approaches. This should be considered at all stages of plan making and could include joint research and evidence gathering, and preparing material to support policy choices. Co-operation could include joint committees and potentially joint policies.
- Whilst not exhaustive, likely issues to be addressed include: homes and jobs needed in the area, retail and leisure provision, infrastructure provision, health, community and local facilities, climate change adaption and mitigation, and enhancement of the natural and historical landscape.





## Strategic Issues for Milton Keynes

### Housing

**6** There are several aspects where co-operation is being undertaken or is being planned in relation to housing.

**7** In terms of establishing housing need work is underway with our neighbouring authorities to agree the level of housing need across the wider Milton Keynes Housing Market Area (HMA) as established in the Milton Keynes Strategic Housing Market Assessment (SHMA. April 2014).



**8** Key elements of this work are:

- Engagement and agreement on approaches taken in various pieces of SHMA work undertaken by neighbouring authorities and other related areas.
- Individual meetings with local authorities to agree the extent of Milton Keynes related housing need in neighbouring areas

**9** To demonstrate the co-operation undertaken and agreement on housing need, it is proposed to have a Memorandum of Understanding (MOU) signed by each of the relevant authorities that have part of their area in the wider MK HMA. This will form the basis for moving forward with the development of a spatial strategy to meet housing need. Work is ongoing on

establishing the basis of this agreement, based on the position set out in the Growth in Housing Topic Paper.

**10** Related to this issue, the Council is already a signatory to a MOU in relation to planning to meet housing need established in the Luton area. This MOU sets out the authorities' understanding of the shortfall of housing capacity in the Luton area and how they agree to work to move this forward.

**11** Early work is also underway with regards to looking at land availability across the wider Milton Keynes HMA. There is initial agreement at Officer level between authorities in the HMA with which we share a boundary that it is sensible to undertake joint land availability work in areas around authority boundaries.

**12** This work has yet to begin, but it is anticipated that it will be undertaken in-house by Officers across authorities, with the scope and methodology formally agreed before work commences.

**13** This area of work is particularly important given the likely pressure for the urban area of Milton Keynes to grow, and the need to consider all reasonable options for accommodating this growth, which could include sites across the authority boundary. Such sites may include Salden Chase to the west of Bletchley, but in Aylesbury Vale, which is a legacy from the South East Plan.



**14** As the development of Plan:MK progresses, depending on the outcome of the ongoing work on housing need and the identification of the most suitable sites, there are likely to be delivery issues to address. This will include issues relating to affordable housing, social infrastructure (such as education provision) etc, where agreement will need to be sought between authorities to ensure effective delivery of the plan.

**15** This is for later in the plan making process but thought will need to be given over the next few months as to the most effective way of carrying out this work if required.

**16** The Council is aware that engagement will need to take place at Member level as well as Officer level. Formal meetings have already taken place at Member level in relation to issues around the growth of Luton. Members from the South East Midlands Local Enterprise Partnership (SEMLEP) authorities have also met, with the support of the Planning Advisory Service (PAS), to understand the importance of the duty and what it means for their work, where one of the focuses was on meeting housing need.

## Question 1

### Housing

- Are there any other issues relating to housing which you think we should be engaging with other public bodies on? If so, please give details?
- Do you have any thoughts on how the Council is currently considering housing issues with other Public Bodies?





## The Economy and Jobs Growth

**17** Related to the growth in housing is the likely level of job growth that will be seen over the plan period. As is noted in the Growth in Housing and Employment and Economic Growth topic papers, work is underway on a study the Milton Keynes Economic Growth and Employment Land Study (MKEGELS), which in part will provide evidence as to the level of job growth to 2031.



**18** Many of our neighbouring authorities have already carried out similar work (or are currently planning to do so) and have aspirations for job growth themselves. Work has been carried out across the wider SEMLEP (South East Midlands Local Enterprise Partnership) area on the future of the economy<sup>(1)</sup>.

**19** It will be important moving forward that there is balance between job growth and the development of housing, primarily to ensure there are enough homes for the growing workforce to live locally. It will also be important that the homes are built in the right place to support the agreed plans of the wider LEP area.

**20** This is therefore a key area of engagement with other Local Authorities. However, unlike housing, where issues are mainly limited to adjoining Local Authorities, economic growth issues cover a larger number of authorities in the functional economic area. The MKEGELS will examine the local economy in detail and this will go beyond MKC's administrative boundaries and we will involve those authorities in this work.

**21** At the present time, these issues are discussed at the SEMLEP Planners Forum, where all authorities in SEMLEP have Officer representation. Additionally, as part of its work on the MKEGELS, before the study had formally commenced, the Council circulated a copy of its brief for the study to all local authorities within SEMLEP and to local authorities neighbouring the Borough of Milton Keynes seeking their views.

### Question 2

#### The Economy and Jobs Growth

- Are there any other issues relating to the economy which you think we should be engaging with other public bodies on? If so, please give details?
- Do you have any thoughts on how the Council is currently considering economic issues with other Public Bodies?

1 <http://www.semlep.com/documents/>

# Strategic Issues for Milton Keynes

## Infrastructure

**SEMLEP**  
South East Midlands  
Local Enterprise Partnership



South East Midlands  
Local Enterprise Partnership  
Infrastructure Investment Plan

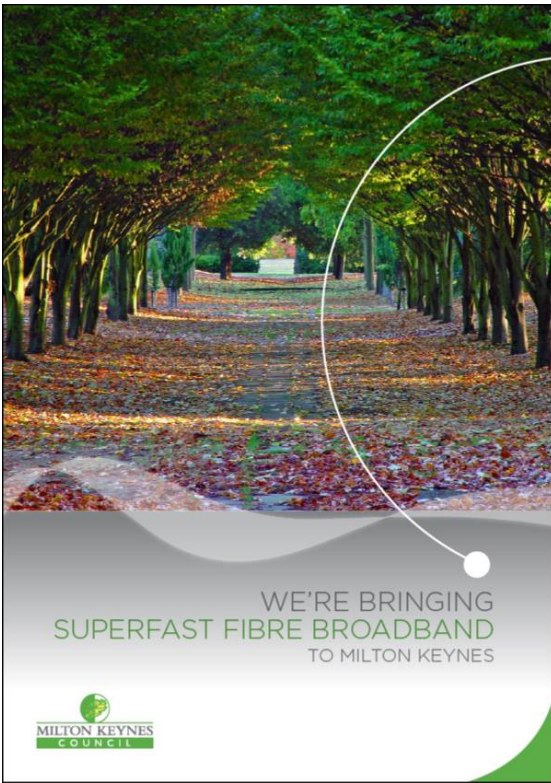
**22** The delivery of key pieces of strategic infrastructure to ensure the wider sub-region continues to develop in a sustainable way and continues to attract investment, is a vital area for co-operation.

**23** The Council has its own Local Investment Plan (LIP) as discussed in the Provision of Physical and Social Infrastructure Topic Paper, which deals with the funding and delivery of key pieces of infrastructure and priorities to support delivery of the Councils own development strategy. As part of this process the Council engages with public bodies, utility providers and service delivery partners, such as the Environment Agency, Anglian Water and the Highways Agency to ensure that infrastructure requirements are properly understood and appropriately factored into the delivery programme.

**24** However, with the role of LEPs changing, particular with regards to accessing funding, it is key that we are also engaged in infrastructure planning across the wider SEMLEP area. To this end Council Officers were part of the working group that was set up to prepare the SEMLEP Infrastructure Investment Plan (IIP). This plan built on individual LIPs to bring together an investment plan which reflects the strategic infrastructure priorities to unlock growth and development in housing and jobs in the future. This includes provision for the upgrading of the A421 from Milton Keynes through Central Bedfordshire to Junction 13 of the M1.



**25** Officers will remain involved in this process and will be part of the working group that meets in September to start a refresh of the SEMLEP IIP. The ongoing nature of this work will help to ensure any priority projects needed to deliver Plan:MK are built into the SEMLEP IIP, helping to align priorities across the sub-region.



**26** There are also specific infrastructure issues that the Council co-operates with public bodies on:

- **East-West Rail** - we are part of the consortium with other authorities and the railway companies seeking to deliver the reinstatement of the important east west rail line.
- Officers are part of the **SEMLEP Property Development, Infrastructure and Investment Delivery Advisory Group (PDIIDG)**. This group meets 6-8 times a year with the remit of providing technical advice to the SEMLEP board to support delivery of their Business Plan. The group also encourage wide-ranging discussion and effective exchange of information on topics such as market trends and conditions and the availability of investment finance and mortgages. This helps to ensure that all partner authorities have up-to-date, common information from which to plan strategically.

- **Broadband** - MKC is part of the Central Superfast Broadband Project, with the Councils of Central Bedfordshire, Bedford Borough and Luton alongside BT. The group have weekly team meetings, plus quarterly programme board meetings. The focus of the project is to ensure investment in physical infrastructure to support economic development, but it also supports improved public access to superfast broadband and regeneration requirements. Officers also meet every two months with Bucks and Herts as neighbours in the project, plus in the future with Northamptonshire, to share best practice and knowledge.
- **Healthcare** - Officers have 4/6 weekly meeting with the Clinical Commissioning Group (CCG) and the NHS Area Team. They meet to talk about accessing tariff/s106 funds to support delivery of existing plans and about future growth and development. The group is currently advancing plans for a facility in the Eastern Expansion Area to support growth in the area. Similar discussions happen with the hospital to ensure that their needs are considered when looking at the growth of the city.





## Question 3

### Infrastructure

- Do you have any views on how the Council is currently approaching the provision of strategic infrastructure with public bodies?
- Do you think there are any gaps in the discussions? If so where are they and who should we be engaging with?



## Culture and Tourism

**27** SEMLEP is preparing an “Arts, Heritage, Sport, Visitor Economy, Cultural and Creative Strategy”<sup>(2)</sup>. Council Officers are involved in that work which will map the area’s ‘diverse offerings’ and look at how SEMLEP can support the sector for the benefit of the wider area, not just individual authorities.



**28** From a heritage perspective, the Local Heritage List is a strategic issue about which the Council’s Conservation and Archaeology team will liaise closely with English Heritage. There are already regular forums with English Heritage that that Officers attend where the potential for a Local Heritage List has been discussed. As the project progresses, Officers will ensure that English Heritage is engaged in the process from the outset, including planning the project, through to implementation and selection of buildings and other assets to include on the list.

2 <http://www.semlep.com/news/2014/arts-heritage-sport-visitor-economy-cultural-and-creative-strategy-launch/>

## Question 4

### Culture and Tourism

Are there are other issues relating to culture and tourism that you believe the Council should be engaging with other Local Authorities or Public Bodies on? If so, what are they and why are they strategically important?



### General groups for co-operation issues

**29** The Duty to Co-operate was introduced to ensure that public bodies engage with each other in the plan making process. Although the requirement was new there are already several groups locally that enable effective, ongoing and constructive co-operation to take place:

- SEMLEP Planners forum - This group, mentioned earlier, meets quarterly to discuss key strategic issues facing the sub-region. Increasingly over the last year, discussion has focused on plan making and considering how the group can help authorities satisfy the Duty to Cooperate
- Bucks Planning Officers Group - meet periodically to discuss detailed plan-making issues and share experience. It is comprised of planning policy officers from all of the Buckinghamshire planning authorities, plus officers from Buckinghamshire County Council.
- Bucks Chief Officers Group - similar to the officers group above, but also covering Development Management and other relevant corporate and national issues.
- One-to-one updates - Officers already have good working relationships with authorities from the adjoining authorities. Officers regularly meet to discuss issues such as progress on work, current issues and to consider how authorities can work together on particular topics. These liaison meetings will remain in place throughout the plan making process, with notes of the discussions and any outcomes made as appropriate to support work on the Duty to Co-operate

## Summary

**30** From the paper, it can be seen that there are already several areas where work under the Duty to Co-operate is happening and leading to real outcomes. This work will continue to evolve as Plan:MK is prepared, with groups set up to carry out individual pieces of work as and when required, Memorandums of Understanding signed at different stages to show commitment to particular positions and joint policies potentially developed ,if appropriate.

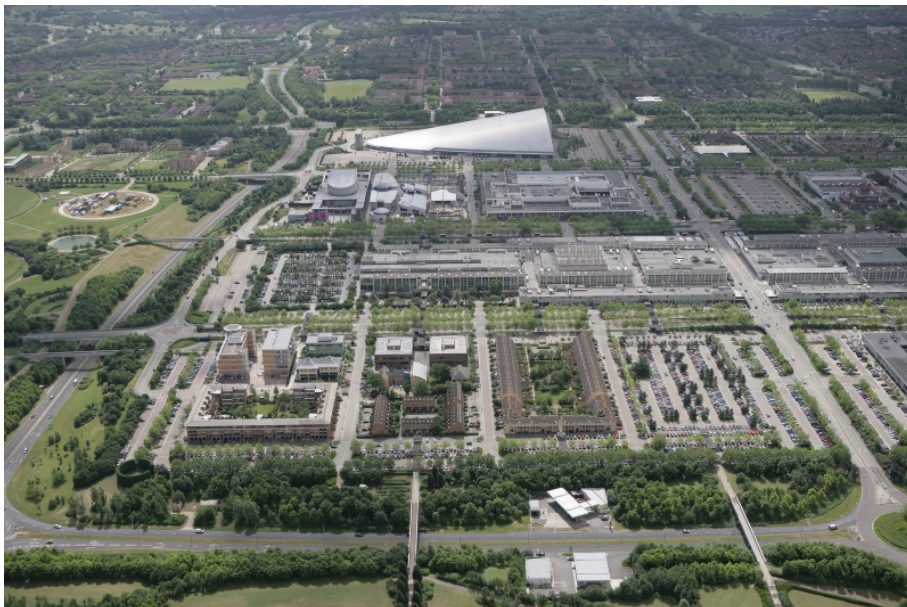
**31** The Council is making every effort to embed ongoing co-operation into the plan-making process from the outset to ensure its effectiveness. It is therefore important that if you have any suggestions of issues that appear to have not been addressed adequately or can suggest partners we should be speaking to, maybe in a different way, that you let us know so we can improve the way we work.

**32** The Council will be writing to individual Local Authorities and other Public Bodies as part of this round of consultation to clarify that they are happy with the approach to satisfying the duty and the issue being covered. If any new issues emerge from this engagement that have not been raised previously in other forums, the Council will seek to put in place mechanisms to address them at the earliest opportunity.

### Question 5

#### Duty to Cooperate

Do you have any general comments on how the Council is addressing the Duty to Co-operate and any gaps that may remain?







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